

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

IN THE CLAIMS:

1-9. Canceled

10. (Amended) A [natural] composition derived from products found in nature for boosting the libido of an individual, said composition comprising an effective amount of a vasoactive compound for driving blood flow to the penis and an aphrodisiac in a pharmaceutically acceptable carrier.

11. (Amended) The composition according to claim 10, wherein said composition further comprises at least one compound selected from the group consisting essentially of:

a testosterone production compound for increasing natural production of testosterone;

a sperm production compound which elevates sperm production;

a heightening compound which heightens sexual arousal, function and performance;

a boosting compound to boost energy and stamina;

a neurotransmitter affecting compound which intensifies neurotransmitter pleasure; and

a sexual power compound which increases sexual reproductive powers.

12-17. Canceled.

18. (Original) The composition according to claim 10, wherein said composition is delivered orally.

19. (Original) A method of increasing the libido by administering an effective amount of composition including an aphrodisiac and a compound to increase blood flow to the pelvic area in a pharmaceutically acceptable carrier.

20. (Original) The method according to claim 19, wherein said administering step includes orally administering the composition.

21. (New) A composition for boosting libido of an individual, said composition comprising of an effective amount of Muria Puama for driving blood flow to the penis, and Catuba Bark for acting as an aphrodisiac in a pharmaceutically acceptable carrier.

A Catuba Bark
22. (New) The composition of according to claim 21, wherein said composition contains at least 427 mg of said Muria Puama.

23. (New) The composition of according to claim 21, wherein said composition contains at least 352 mg of said Catuba Bark.

24. (New) The composition of according to claim 21, further including Tribulus for elevating sperm production.

25. (New) The composition of according to claim 24, wherein said composition contains at least 667 mg of said Tribulus.

26. (New) The composition of according to claim 21, further including Androstenedione for heightening sexual arousal, function, and performance.

27. (New) The composition of according to claim 26, wherein said composition contains at least 127 mg of said Androstenedione.

28. (New) The composition of according to claim 21, further including Korean Ginseng for boosting energy and stamina.

29. (New) The composition of according to claim 28, wherein said composition contains at least 60 mg of said Korean Ginseng.

30. (New) The composition of according to claim 21, further including Avena Sativa for intensifying neurotransmitted pleasure.

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31. (New) The composition of according to claim 30, wherein said composition contains at least 60 mg of said Avena Sativa.

32. (New) The composition of according to claim 21, further including Natural Vitamin E for increasing sexual reproductive powers.

33. (New) The composition of according to claim 32, wherein said composition contains at least 37 IU mg of said Natural Vitamin E.

34. (New) The composition of according to claim 21, further including L-Arginine for assisting in the circulation of smooth blood flow.

35. (New) The composition of according to claim 34, wherein said composition contains at least 127 mg of said L-Arginine.

36. (New) The composition according to claim 21, wherein the composition is delivered orally.

37. The composition according to claim 21, wherein the composition is a spray formulation that includes the compounds Tribulus terrestris, Epimedium sagattatum, Muria Puama, Serenoa reopens, Chrysin, Androstenedione, and 5-Androstenediol.

REMARKS

Claims 10-18 and 21-37 are currently pending in the application. Claims 10, 21, and 37 are in independent form.

Claim 11 is objected to for minor informalities. The informalities have been corrected herewith and reconsideration of the rejection is respectfully requested.

Claims 10-18 stands rejected under 35 U.S.C. § 112, first paragraph, for failing to enable a person skilled in the art to which it pertains, or with which is most nearly connected to, to make and use the invention. The Office Action states that while the specification teaches specific compounds for performing the desired functions, it does not teach any and all compositions or compounds that can perform the desired functions. However, when read more specifically, the present application does provide support for the use of the board terminology presently recited in the claims. More specifically, the presently claimed invention claims a vasoactive compound for driving blood flow to the penis and an aphrodisiac in a pharmaceutically acceptable carrier. Vasoactive compounds are known to those of skill in the art and appropriate amounts of such compounds that are required for treatment are readily known to those of skill in the art. The specification teaches various compounds that can be used to provide the desired functions. Further, aphrodisiac compounds and their appropriate doses are also well known to those of skill in the art. Accordingly, there is sufficient disclosure for those of skill in the art to practice the claimed invention and reconsideration of the rejection is respectfully requested.

Claims 10-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Chinese herbal composition "dzan yu dan." Reconsideration of the rejection under 35 U.S.C. § 102(b), as anticipated by the Chinese herbal composition "dzan yu dan," as applied to the claims is respectfully requested. Anticipation has always been held to require absolute identity in structure between the claimed structure and a structure disclosed in a single reference.

In Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 231 U.S.P.Q. 81 (Fed. Cir. 1986) it was stated: "For prior art to anticipate under §102 it has to meet every element of the claimed invention."

In Richardson v. Suzuki Motor Co., Ltd., 868 F.2d 1226, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) it was stated: "Every element of the claimed invention must be literally present, arranged as in the claim."

The Office Action states that the Chinese herbal composition "dzan yu dan" is used for treating impotence. However, there is no disclosure in the cited reference for a compound that is a vasoactive compound. Instead, the cited composition discloses that male impotence is due to the chronic deficiency of yang (fire) energy in the kidney/adrenal system. The composition is intended to restore yang energy and thus diminish sexual inhibitions. There is no disclosure or suggestion that the composition is effective as a vasoactive agent or is an aphrodisiac. Instead, the prior art merely discloses that this composition can be used for male impotence by restoring the yang energy to the individual who ingests the composition. Since there is no disclosure for the claimed composition as claimed in the presently pending independent claims, the composition is patentable over the cited prior art and reconsideration of the rejection is respectfully requested.

Claims 10-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Chinese herbal composition "wu dze tang." Reconsideration of the rejection under 35 U.S.C. § 102(b), as anticipated by the Chinese herbal composition "wu dze tang," as applied to the claims is respectfully requested. Anticipation has always been held to require absolute identity in structure between the claimed structure and a structure disclosed in a single reference.

The Office Action states that the Chinese herbal composition "wu dze tang" is used for treating impotence and/or infertility in men, including erectile dysfunction and low

sperm count by including compounds that drive blood flow to the penis and aphrodisiac compounds. However, when read more specifically, there is no disclosure that the Chinese herbal composition "wu dze tang" has a vasoactive effect, thus increasing the blood flow to the penis. Instead all that is disclosed is that the "wu dze tang" composition can treat infertility due to low sperm count with related symptoms of insufficient erection and premature ejaculation. The "wu dze tang" composition further discloses that this particular formulation in conjunction with anal sphincter lock is very helpful in restoring circulation in vigor to the male sexual organs. There is no disclosure that the composition alone will have vasoactive affects or that there is an aphrodisiac including therein. In contradistinction, the presently pending independent claims claim a vasoactive agent and an aphrodisiac that is different and performs a different function than that of the cited reference. Since the cited reference does not disclose or teach the composition of the presently pending independent claims, the claims are patentable over the cited prior art and reconsideration of the rejection is respectfully requested.

Claims 10-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Chinese herbal composition "mi jing tang." Reconsideration of the rejection under 35 U.S.C. § 102(b), as anticipated by the Chinese herbal composition "mi jing tang," as applied to the claims is respectfully requested. Anticipation has always been held to require absolute identity in structure between the claimed structure and a structure disclosed in a single reference.

The Office Action states that the Chinese herbal composition "mi jing tang" is used for treating impotence and/or infertility in men including erectile dysfunction and involuntary loss of semen and related symptoms. However, when read more specifically, there is no disclosure that the composition has a vasoactive effective effect nor is there any specific reference to the inclusion of an aphrodisiac in the composition. Instead, all that is disclosed is that the composition is used for treating involuntary loss of semen. There is no disclosure of the composition of the presently pending independent claims. The presently pending independent claims claim a composition including a vasoactive composition and an aphrodisiac. Since the cited prior art does not disclose a composition

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including a vasoactive compound and an aphrodisiac compound, the claims are patentable over the cited prior art and reconsideration of the rejection is respectfully requested.

The remaining dependent claims not specifically discussed herein are ultimately dependent upon the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references as discussed above. The prior art references do not disclose the characterizing features of the independent claims discussed above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

In view of the present amendment and foregoing remarks, reconsideration of the rejections and advancement of the case to issue are respectfully requested.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC



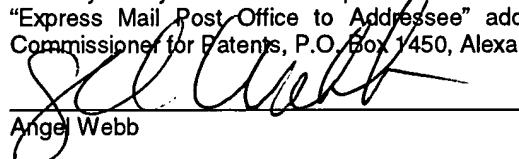
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Angel Webb